

Group II, claims 6-10, 21, and 25-27, drawn to a polynucleotide sequence encoding SEQ ID NO: 623 or comprising SEQ ID NO: 2 and transgenic plants, classified in class 800, subclass 278 for example.

Group III, claims 11-15, 21, and 25-27, drawn to a polynucleotide sequence encoding SEQ ID NO: 624 or comprising SEQ ID NO: 3 and transgenic plants, classified in class 435, subclass 468 for example.

Group IV, claims 16-20, 21, and 25-27 drawn to a polynucleotide sequence encoding SEQ ID NO: 625 or comprising SEQ ID NO: 4 and transgenic plants, classified in class 536, subclass 23.1 for example.

Group V, claim 22, drawn to a plant polypeptide, classified in class 530, subclass 370.

Group VI, claims 23-24, drawn to antibodies, classified in class 530, subclass 387.1.

Claims 21 and 25-27, generic to groups I-IV will be examined to the extent they read on the elected invention.

Applicants respectfully traverse the restriction requirement, and provisionally elect the claims of Group I, claims 1-5, 21, and 25-27, drawn to a polynucleotide sequence encoding SEQ ID NO: 622 or comprising SEQ ID NO: 1 and transgenic plants, classified in class 800, subclass 298 for further prosecution.

However, Applicants submit that the Office has not proven that an undue burden would be imposed by search and examination of the entire application. Applicants submit that the complete examination of the application would be handled most expeditiously by treating all of the pending claims as a single entity. As Section 803 of the MPEP directs, "[i]f the search and

examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

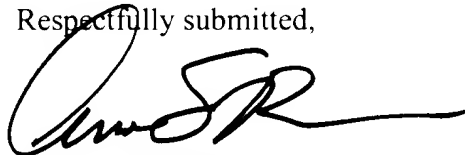
Further, no serious burden is created for the Examiner by running a simultaneous computerized search of the claimed nucleic acid sequences. The single search may be run in conjunction with databases such as those available at <http://www.ncbi.nlm.nih>.

On the basis of the foregoing, Applicants submit that the restriction requirement is improper and therefore must be withdrawn. To facilitate prosecution, however, Applicants have provisionally elected, with traverse, Group I, claims 1-5, 21, and 25-27.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account Number 50-1824, referencing docket number 16516.075. Applicants likewise authorize a charge to Deposit Account Number 50-1824 for any other fees related to the present application that are not otherwise provided for in the accompanying documents.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (202) 942-5000.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David R. Marsh", written over a horizontal line.

David R. Marsh (Reg. No. 41,408)

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Date: _____

August 7, '02

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